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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/067,025

02/04/2002

Mark Daniel Dvorak

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09/23/2004

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EXAMINER

COX, CASSANDRA F

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,025

Applicant(s)

DVORAK, MARK DANIEL

Examiner

Cassandra Cox

Art Unit

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,8,10,11,13,14,18,20 and 21 is/are rejected.
- 7) ☒ Claim(s) 3-7,9,12,15-17,19 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments with respect to claims 1-2, 4, 8, 10-11, 13-15, and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 8, 10-11, 13-14, 18, and 20-21 rejected under 35 U.S.C. 102(e) as being anticipated by Aiello et al. (WO 01/99305 A2).

In reference to claim 1, Aiello discloses in Figure 2, a modulated ultra wideband pulse generation system, comprising: a pulse waveform generator (34) operable to generate an on-off pulse waveform; a modulating circuit (20, 16) operable to receive a modulating signal (output of 22) and to modulate the on-off pulse waveform in response to the modulating signal to produce an ultrawideband radio frequency pulse (see page 7, line 24 to page 8, line 14). The same applies to claim 13.

In reference to claim 2, Aiello discloses in Figure 2 the system further comprising an antenna (14).

In reference to claim 8, Aiello discloses on page 7, lines 25-26 that the modulating circuit may employ various forms of pulse modulation. This is seen to include pulse position modulation. The same applies to claims 10-11, 18, and 20-21.

In reference to claim 14, Aiello discloses in Figure 2 the step of generating a modulating signal (this is done by block 22).

Allowable Subject Matter

4. Claims 3-7, 9, 12, 15-17, 19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: Claim 3 would be allowable because the closest prior art of record fails to disclose a circuit as shown in Figure 2 wherein the circuit further comprises a capacitor (230) placed between the antenna (231) and the modulating circuit in combination with the rest of the limitations of the base claims and any intervening claims. Claims 4 and 15 would be allowable because the closest prior art of record fails to disclose a circuit as shown in Figure 2 wherein the pulse waveform generator circuit generates a pseudorandom waveform in combination with the rest of the limitations of the base claims and any intervening claims. Claims 5-7 and 16-17 would be allowable because the closest prior art of record fails to disclose a circuit as shown in Figure 2 wherein the system further comprises a variable bandwidth circuit (215) operable to change the bandwidth of the ultra wideband pulse in combination with the rest of the limitations of the base claims and any intervening claims. Claims 9 and 19 would be allowable

because the closest prior art of record fails to disclose a circuit as shown in Figure 2 wherein the pulse position modulator (208) comprises a resistor (210) capacitor (211) lowpass filter having a time constant that is varied in response to the modulating signal (213) in combination with the rest of the limitations of the base claims and any intervening claims. Claims 12 and 22 would be allowable because the closest prior art of record fails to disclose a circuit as shown in Figure 2 wherein the phase modulator (225) comprises an exclusive or (XOR) gate (227) having the on-off pulse waveform as one input, a modulating signal (226) as a second input, and a modulated signal as an output in combination with the rest of the limitations of the base claims and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Cox whose telephone number is 571-272-1741. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM and on alternate Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Art Unit: 2816

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

CC

CC

September 15, 2004



TIMOTHY P. CALLAHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800